

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JESSE LEWIS,

Defendant.

CRIMINAL NO. 05-30044-02-GPM

ORDER

MURPHY, Chief District Judge:

This matter is before the Court on Defendant Jesse Lewis's amended motion to proceed on appeal *in forma pauperis* (Doc. 265). On March 23, and April 8, 2005, Magistrate Judge Proud found that Defendant was financially unable to afford counsel and appointed counsel to represent him (*see* Docs. 12, 47, 48). Thereafter, Defendant retained counsel to represent him through trial and at the sentencing hearing. Retained counsel has filed a notice of appeal on Defendant's behalf, as well as the current motion for pauper status on appeal.

Because Defendant was previously determined to be financially unable to obtain an adequate defense (*see* Fed. R. App. P. 24(a)(3)), the Court finds that he should be allowed to proceed on appeal *in forma pauperis*. Accordingly, the instant motion (Doc. 265) is **GRANTED**. The cost of preparation of the transcript shall be paid under the Criminal Justice Act. Defendant's earlier-filed motions to proceed on appeal *in forma pauperis* (Docs. 257, 258) are **MOOT**.

IT IS SO ORDERED.

DATED: 02/23/06

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge